

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**EIGHTY-SIXTH LEGISLATIVE DAY
TUESDAY, APRIL 7, 2009**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Davis, Kelly, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 3, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Davis, Kelly, and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 3, 2009

The JUDICIARY AND RULES Committee reports that [S 1004](#), as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1004](#), as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

April 3, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1046](#), [S 1050](#), [S 1061](#), [S 1065](#), [S 1071](#), as amended, [S 1098](#), as amended, [S 1109](#), as amended, [S 1111](#), [S 1115](#), [S 1127](#), [S 1128](#), and [S 1131](#) were delivered to the Office of the Governor at 2 p.m., April 3, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 3, 2009

The FINANCE Committee reports out [H 268](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 268](#) was filed for second reading.

April 3, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1175](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, [S 1175](#) was referred to the Fourteenth Order of Business, General Calendar.

April 3, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1149](#) and [S 1162](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1149](#) and [S 1162](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

President Pro Tempore Geddes was recorded present at this order of business.

April 3, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 1, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Donald J. Soltman of Rathdrum, Idaho, was appointed as a member of the State Board of Education to serve a term commencing April 6, 2009, and expiring March 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 3, 2009

Dear Mr. President:

I transmit herewith [H 267](#), [H 272](#), [H 273](#), [H 274](#), [H 275](#), [H 225](#), as amended, [H 131](#), as amended, [H 277](#), and [H 280](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 267](#), [H 272](#), [H 273](#), [H 274](#), [H 275](#), [H 225](#), as amended, [H 131](#), as amended, [H 277](#), and [H 280](#) were filed for first reading.

April 3, 2009

Dear Mr. President:

I transmit herewith Enrolled [HJM 6](#), [H 46](#), as amended, [H 250](#), [H 163](#), [H 222](#), [H 43](#), [H 151](#), and [HCR 28](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 6](#), [H 46](#), as amended, [H 250](#), [H 163](#), [H 222](#), [H 43](#), [H 151](#), and [HCR 28](#) and ordered them returned to the House.

April 6, 2009

Dear Mr. President:

I transmit herewith Enrolled [HJM 7](#), [H 14](#), as amended, as amended in the Senate, [H 141](#), as amended in the Senate, [H 159](#), as amended in the Senate, and [H 217](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 7](#), [H 14](#), as amended, as amended in the Senate, [H 141](#), as amended in the Senate, [H 159](#), as amended in the Senate, and [H 217](#), as amended in the Senate, and ordered them returned to the House.

April 6, 2009

Dear Mr. President:

I return herewith Enrolled [S 1011](#), [S 1053](#), as amended, [S 1074](#), as amended, as amended, [S 1097](#), [S 1122](#), [S 1123](#), [S 1126](#), [S 1132](#), [S 1134](#), and [S 1142](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1011](#), [S 1053](#), as amended, [S 1074](#), as amended, as amended, [S 1097](#), [S 1122](#), [S 1123](#), [S 1126](#), [S 1132](#), [S 1134](#), and [S 1142](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [HJM 4](#), having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Mortimer, [HJM 4](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that [HCR 23](#) was before the Senate for final consideration.

Moved by Senator Bock, seconded by Senator Kelly, that [HCR 23](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Bock, Kelly, and Werk.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—McKague, Stegner. Total - 2.

Total - 35.

Whereupon the President declared [HCR 23](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Carla R. Campo was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, the Gubernatorial appointment of Carla R. Campo as a member of the Idaho Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Blanche M. Weber was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Fulcher, the Gubernatorial appointment of Blanche M. Weber as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1192

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2010; LIMITING THE

NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1193

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING THE TRANSFER OF MONEYS FROM THE DEPARTMENT OF FISH AND GAME TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2009; AUTHORIZING THE TRANSFER OF MONEYS FROM THE BUREAU OF OCCUPATIONAL LICENSES TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1194

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1195

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1196

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS; TO PROVIDE LEGISLATIVE FINDINGS; AMENDING SECTION 18-3001, IDAHO CODE, TO REVISE THE AMOUNT OF A FINE AND TO PROVIDE FOR A MISDEMEANOR; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROHIBIT EMPLOYMENT OF UNAUTHORIZED ALIENS, TO PROVIDE PROVISIONS RELATING TO THE FILING AND INVESTIGATION OF A COMPLAINT, TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR NOTICE, TO PROVIDE PROVISIONS RELATING TO ACTIONS AGAINST CERTAIN EMPLOYERS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR PENALTIES, TO

PROVIDE THAT THE ATTORNEY GENERAL SHALL MAINTAIN A DATABASE OF CERTAIN COURT ORDERS, TO PROVIDE FOR APPLICATION OF FEDERAL LAW, TO PROVIDE FOR EXCEPTIONS AND AN AFFIRMATIVE DEFENSE, TO PROVIDE PROVISIONS RELATING TO CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE FOR COMPLIANCE WITH FEDERAL LAW, TO PROVIDE THAT THE STATE OF IDAHO SHALL VERIFY CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE FOR A PERFORMANCE AUDIT, TO REQUIRE POLITICAL SUBDIVISIONS TO VERIFY CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE PROVISIONS RELATING TO THE AWARD OF CERTAIN CONTRACTS AND TO DEFINE A TERM; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT SHALL NEITHER ISSUE A DRIVER'S LICENSE TO AN ILLEGAL ALIEN NOR TO CERTAIN OTHER PERSONS, TO PROVIDE THAT THE STATE OF IDAHO SHALL NOT HONOR CERTAIN DRIVER'S LICENSES, TO PROVIDE FOR PUBLIC POLICY, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-218A, IDAHO CODE, TO PROHIBIT MUNICIPAL SANCTUARIES, TO PROVIDE PROVISIONS RELATING THERETO AND TO DEFINE A TERM; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3035D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO NOTICE FROM THE STATE TAX COMMISSION TO CERTAIN EMPLOYERS; PROVIDING SEVERABILITY; AND TO PROVIDE EFFECTIVE DATES.

S 1197
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1198
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1196](#), [S 1197](#), and [S 1198](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 267](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 272](#), [H 273](#), and [H 274](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 275](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 225](#), as amended, by Education Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 131](#), as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 277](#) and [H 280](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1183](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 253](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 260](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 265](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[S 1186](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), and [S 1191](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 194](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Winder. Total - 29.

NAYS—Bock, Corder, Kelly, LeFavour, Werk. Total - 5.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 194](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1140](#), [H 256](#), and [S 1175](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1140

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 9, delete "WAGES, SALARIES OR"; in line 10, delete "OTHER COMPENSATION" and insert: "AND DISPOSABLE EARNINGS"; and on page 2, delete lines 18 through 20, and insert:

"(12) An individual is entitled to an exemption for his disposable earnings as defined in subsection 2. of section 11-206, Idaho Code, wages, salaries, and compensation for personal services rendered, to the extent such earnings, wages, salaries, and compensation have been earned but have not been paid to the individual, not to exceed one thousand five hundred dollars (\$1,500) in a calendar year. This exemption shall not affect the application or operation of the garnishment restrictions set forth in section 11-207, Idaho Code."

CORRECTION TO TITLE

On page 1, in line 4, following "PROPERTY" insert: "AND DISPOSABLE EARNINGS".

SENATE AMENDMENT TO H 256

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, following "hours" insert: ", or for approved school activities as provided in subsection (4) of this section".

On page 2, delete lines 11 and 12 and insert:

"(e) The costs incurred on and after July 1, 2010 of providing transportation to and from approved school activities as may be approved by rules of the state board of education."; in line 13, delete "(f)" and insert: "(f)";

in line 24, delete ", unless the school district"; delete line 25; and in line 26, delete "case the cost per student rider shall be used."; in line 28, delete "if applicable"; delete lines 30 through 33 and insert: "is more favorable to the school district. A school district may".

AMENDMENT TO THE BILL

On page 4, following line 24, insert:

SECTION 4. An emergency existing therefore, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval.

"SECTION 2. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1006A, Idaho Code, and to read as follows:

33-1006A. PUPIL TRANSPORTATION AUDITS. The state department of education shall audit the transportation operations of any school district with more than twenty (20) enrolled students per square mile that meets both of the following criteria:

(a) The school district's reimbursable costs exceed one-hundred three percent (103%) of the statewide average reimbursable cost per student rider; and

(b) The school district's costs are higher on a cost per student rider basis than on a cost per mile basis, as compared the statewide average reimbursable costs for such measures.

For school districts audited under the provisions of this section, the state department of education shall furnish written recommendations for changes to improve the efficiency of transportation operations including, but not limited to, changes in bell times and routing. Recommendations shall not include changes regarding the decision of a school district on whether to contract for pupil transportation services or to provide such services directly. The recommendations shall state the amount that the department estimates that the school district's total expenditures will be reduced by implementing each recommendation. The department shall discuss its recommendations with the school district prior to finalizing them.

School districts failing to implement any recommendations in the subsequent school year shall have their transportation reimbursement reduced in that year by the lesser of the amount that the department estimated would be saved by all unimplemented recommendations, or the amount that the district's reimbursement would be reduced if the district were prohibited from using cost per mile cap calculation pursuant to Section 33-1006(5), Idaho Code."; and in line 25, delete "SECTION 2" and insert: "SECTION 3".

On page 6, following line 34, insert:

"SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 2 of this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, in line 2, following "SCHOOLS" insert: "AND TRANSPORTATION SUPPORT"; delete lines 3 and 4, and insert: "TO PROVIDE THAT THE ONLY MILES FROM WHICH COSTS MAY BE REIMBURSED SHALL BE MILES DIRECTLY ASSOCIATED WITH TRANSPORTING STUDENTS FOR CERTAIN PURPOSES, TO PROVIDE FOR CERTAIN ALLOWABLE COSTS ON AND AFTER JULY 1, 2010"; in line 5, delete "FOR CERTAIN COSTS"; following line 11, insert: "AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A

NEW SECTION 33-1006A, IDAHO CODE, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL AUDIT CERTAIN TRANSPORTATION OPERATIONS, TO PROVIDE FOR RECOMMENDATIONS, TO PROVIDE FOR CERTAIN REDUCTIONS IN REIMBURSEMENT;"; and in line 15, following "COSTS" insert: "; AND DECLARING AN EMERGENCY".

SENATE AMENDMENT TO S 1175

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 39, delete "(F)" and insert: "(E)"; on page 3, in line 18, following "Upon" insert: "It is the policy of the state of Idaho that existing sheep or livestock operations in the area of any bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted."; delete lines 28 through 31; and in line 32, delete "(F)" and insert: "(E)".

CORRECTIONS TO TITLE

On page 1, in line 5, following "SHEEP," insert: "TO STATE A POLICY OF THE STATE OF IDAHO"; and delete lines 7 through 9, and insert: "RELOCATION OF BIGHORN SHEEP, TO PROVIDE FOR THE".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), [S 1147](#), [H 187](#), and [S 1182](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1140](#), as amended, and [S 1175](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 256](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 1:16 p.m. until the hour of 3:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3:30 a.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Andreason, Brackett, Cameron, Coiner, Keough, Lodge, McKenzie, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 7, 2009

The JUDICIARY AND RULES Committee reports that [S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) have been correctly printed.

DARRINGTON, Chairman

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) were referred to the Finance Committee.

April 7, 2009

The FINANCE Committee reports out [S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) were filed for second reading.

April 7, 2009

The FINANCE Committee reports out [H 272](#), [H 273](#), [H 274](#), [H 277](#), and [H 280](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 272](#), [H 273](#), [H 274](#), [H 277](#), and [H 280](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Andreason, Brackett, Cameron, Coiner, Keough, Lodge, McKenzie, and Stegner were recorded present at this order of business.

[H 232](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 232](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 255](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 255](#) passed, title was approved, and the bill ordered returned to the House.

[H 170](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Davis, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Cameron, Darrington, Fulcher, Geddes, Pearce, Siddoway. Total - 6.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 170](#) passed, title was approved, and the bill ordered returned to the House.

[H 220](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—Pearce. Total - 1.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 220](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1186](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1186](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Lodge, McGee, McKenzie, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Bair, Hill, LeFavour, Mortimer, Pearce, Schroeder. Total - 6.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1186](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

On request by Senator Fulcher, granted by unanimous consent, [H 256](#), as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 5:25 p.m. until the hour of 10 a.m., Wednesday, April 8, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary